

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                                 |   |                         |
|---------------------------------|---|-------------------------|
| ENVIROCARE INTERNATIONAL, INC., | ) |                         |
| Plaintiff,                      | ) |                         |
|                                 | ) |                         |
| vs                              | ) | Civil Action No. 09-909 |
| ESSROC CEMENT CORP., et al.,    | ) |                         |
| Defendants.                     | ) |                         |

ORDER

AND NOW this 21st day of May, 2010, the Court having been advised by counsel for the parties that the above captioned case has been settled and that the only matters remaining to be completed are the payment of the settlement proceeds, if any, and the submission of a stipulation for dismissal under Fed.R.Civ.P. 41(a), and, it appearing that there is no further action required by the court at this time,

IT IS HEREBY ORDERED that the Clerk mark the above-captioned case closed; that nothing contained in this Order shall be considered a dismissal or disposition of this action, and, that should further proceedings therein become necessary or desirable, either party may initiate them in the same manner as if the Order had not been entered, and,

IT IS FURTHER ORDERED that the Court expressly retains jurisdiction in this matter to consider any issue arising during the period when settlement is being finalized, including, but not limited to, enforcing settlement.

s/Robert C. Mitchell  
Robert C. Mitchell  
UNITED STATES MAGISTRATE JUDGE

cc: All counsel of record